

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 IO-13 EB-08 TRSE-00 /079 W
-----060839Z 080177 /17

P R 051530Z APR 77
FM AMEMBASSY BERLIN
TO SECSTATE WASHDC PRIORITY 4464
INFO AMEMBASSY BONN
AMEMBASSY PARIS
AMEMBASSY LONDON
AMEMBASSY MOSCOW
USMISSION USNATO

C O N F I D E N T I A L BERLIN 5683

E.O. 11652: GDS
TAGS: PFOR,US, GE, UK, UR, FR
SUBJECT: GDR MFA NOTE ON OVERFLIGHT OF GDR TERRITORY

1. THE EMBASSY RECEIVED APRIL 4 A CIRCULAR NOTE
(#RV 121/77) ADDRESSED TO DIPLOMATIC MISSIONS, DATED
MARCH 31, FROM THE MFA TRANSMITTING A COPY OF A FEBRUARY 7,
1977, REGULATION ON THE "ENTRANCE OR OVERFLIGHT OF OFFICIAL
AND CIVILIAN AIRCRAFT WITH MILITARILY IMPORTANT FREIGHT
OF OTHER STATES INTO OR IN THE SOVEREIGN TERRITORY OF
THE GDR." THE NOTE MAKES MENTION OF THE REGULATION,
STATES THAT IT WAS PUBLISHED IN THE GESETZBLATT
ON FEBRUARY 21, AND REQUESTS THAT EMBASSIES BRING THE
REGULATION TO THE ATTENTION OF THEIR GOVERNMENTS.
REGULATION ITSELF MAKES SUCH FLIGHT SUBJECT TO PRIOR
APPROVAL BY GDR AUTHORITIES. EMBASSY IS POUCHING
COPY OF NOTE AND REGULATION TO ADDRESSEES.

2. UK, FRENCH, FRG AND US DCMS MET LATE AFTERNOON MARCH 31
TO DISCUSS MATTER, WHEN IT WAS LEARNED, AS OF THAT DATE,
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THAT FRENCH, WEST GERMANS, AUSTRIANS, DANES AND
AUSTRALIANS HAD RECEIVED NOTES, WHEREAS UK, DUTCH,
GREEKS, US AND OTHERS HAD NOT. WE AND THE BRITISH HAVE
SINCE RECEIVED NOTES,AND PRESUMABLY OTHERS HAVE. THUS,
IT IS OUR ASSUMPTION THAT NOTE IS A CIRCULAR ONE
INTENDED FOR ALL EMBASSIES.

3. NO CONCLUSIONS ABOUT REASONS FOR GDR APPROACH ON THIS MATTER WERE REACHED MARCH 31. THERE WAS GENERAL AGREEMENT, HOWEVER, THAT WHILE NO ONE EXPECTED GDR TO SEEK TO USE REGULATION IN NEAR FUTURE, IT WAS AVAILABLE "JUST IN CASE." IN THAT SENSE, THERE WAS A CERTAIN AMOUNT OF CONCERN ABOUT ULTIMATE GDR INTENTIONS. IT WAS NOTED IN THIS REGARD THAT LEGISLATION WAS PASSED IN FEBRUARY, I.E., COMING AFTER SOME OF THE MEASURES GDR TOOK WITH RESPECT TO BERLIN, AND THEREFORE MIGHT BE CONSIDERED AS PART OF ITS ATTEMPT TO BEEF UP ITS SOVEREIGNTY. THE VIEW AS ALSO EXPRESSED THAT ENACTMENT OF REGULATION, WHICH IS SIGNED BY DEFENSE MINISTER HOFFMANN, WAS INTENDED TO CLOSE "LOOPHOLE" IN DOMESTIC LEGISLATION, BUT THIS WOULD NOT EXPLAIN WHY GDR NOW ATTEMPTING TO BRING IT TO ATTENTION OF FOREIGN GOVERNMENTS. THIS IS THE FIRST INSTANCE WE CAN RECALL THAT THE GDR HAS SENT THE TEXT OF A NEW GDR REGULATION, WHICH APPEARS IN THE GDR GESETZBLATT ANYWAY AS A MATTER OF COURSE, TO FOREIGN EMBASSIES UNDER THE FORM OF A DIPLOMATIC NOTE.

4. THERE WAS ALSO QUESTION OF RELATIONSHIP BETWEEN REGULATION AND ALLIED RIGHTS IN CORRIDORS. EVERYONE FELT THERE WERE APPROPRIATE FOUR-POWER DOCUMENTS THAT WOULD CLEARLY SHOW UNCONTESTABLE RIGHTS TO USE CORRIDORS AND THAT THEY COULD IN NO WAY BE CONSIDERED TO COME UNDER GDR AUTHORITY, BUT NO ONE HAD REFERENCES EASILY AT HAND. WE NOTE THAT ARTICLE 1 OF THIS NEW REGULATION CONTAINS A PERHAPS DELIBERATELY VAGUE REFERENCE TO CONFIDENTIAL

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"AN INTERNATIONAL TREATY" AS ONE BASIS FOR ALLOWING THE USE OF GDR AIRSPACE. SINCE THIS ARTICLE DOES NOT SPECIFY THAT SUCH A TREATY MUST BE WITH THE GDR, IT MAY BE INTENDED AS AN OUT FOR ALLIED CORRIDOR RIGHTS.

5. THERE WAS ALSO SOME DISCUSSION OF WHETHER ACKNOWLEDGEMENT SHOULD BE MADE OF NOTE, PERHAPS WITH SOME REFERENCE, HOWEVER VAGUE, TO ALLIED RIGHTS TO FLY IN CORRIDORS. THE GENERAL VIEW WAS THAT NOT SHOULD NOT BE RESPONDED TO, BUT THAT PERHAPS SOME MENTION AND REJECTION OF IT COULD BE MADE TO SOVIETS, PERHAPS IN BASICFRAMEWORK. AT SAME TIME, THERE WAS AGREEMENT THAT ISSUE OF REGULATION AND NOTE AND HOW TO HANDLE THEM SHOULD BE DISCUSSED ELSEWHERE, PRESUMABLY BONN GROUP.

6. WOULD APPRECIATE GUIDANCE ON HOW WE SHOULD DISCUSS MATTER WITH UK, FRENCH, AND WEST GERMAN COLLEAGUES HERE. POLANSKY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SOVEREIGNTY, AIRSPACE, DIPLOMATIC NOTES, OVERFLIGHT AGREEMENTS, BERLIN AIR ACCESS
Control Number: n/a
Copy: SINGLE
Sent Date: 05-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BERLIN05683
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770119-0801
Format: TEL
From: BERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770488/aaaacyyh.tel
Line Count: 115
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: df4f79aa-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 03-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2898672
Secure: OPEN
Status: NATIVE
Subject: GDR MFA NOTE ON OVERFLIGHT OF GDR TERRITORY
TAGS: PFOR, US, GC, UK, UR, FR
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/df4f79aa-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009